

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201341804
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: August 5, 2013
County: Macomb DHS (36)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was held on August 5, 2013, from Sterling Heights, Michigan. Participants included the above-named claimant. [REDACTED] of [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's Medical Assistance (MA) based on a finding that Claimant was not disabled.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On September 29, 2011, Claimant applied for MA benefits.
2. On January 30, 2012, the Medical Review Team (MRT) determined that Claimant was not a disabled individual.
3. On an unspecified date, DHS denied Claimant's application for MA benefits but did not mail a Notice of Case Action to Claimant's authorized representative.
4. On October 4, 2012, Claimant's AHR requested a hearing to compel DHS to process Claimant's application and/or to dispute the denial of MA benefits.

5. On July 8, 2013, the State Hearing Review Team (SHRT) determined that Claimant was not a disabled individual, in part, by application of Medical-Vocational Rule 203.15.
6. On an unspecified date, Social Security Administration (SSA) determined that Claimant was a disabled individual and approved Claimant for Retirement, Survivors, Disability Insurance (RSDI) benefits, effective June 2009, based on a disability onset date of January 2009.

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Department policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Tables (“RFT”).

Prior to a substantive analysis of Claimant’s hearing request, it should be noted that Claimant’s AHR noted special arrangements in order to participate in the hearing; specifically, an in-person hearing was requested. Claimant’s AHR’s request was granted and the hearing was conducted accordingly.

Claimant’s AHR requested a hearing to dispute a failure by DHS to process Claimant’s MA benefit application. As it happened, DHS denied Claimant’s application but failed to send notice of the denial to the AHR. Both parties were willing to proceed with a hearing to determine whether DHS properly denied Claimant’s application.

DHS is to process a previously denied application as if it is a pending application when:

- the reason for denial was that the MRT determined the client was not disabled or blind; and
- the Social Security Administration (SSA) subsequently determined that the client is entitled to RSDI based on his disability/ blindness for some or all of the time covered by the denied MA application.


BEM 260 (10/2011), p. 1.

It was not disputed that DHS denied Claimant’s MA benefit application dated September 29, 2011 based on a determination that Claimant was not disabled. It was not disputed that SSA subsequently determined Claimant to be disabled for a month prior to Claimant’s MA benefit application. The SSA determination that Claimant was disabled in 9/2011 is binding on DHS. Based on the SSA finding that Claimant was disabled, the DHS denial of MA benefits is found to be improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant met the definition of medically disabled for purposes of MA benefit eligibility. Accordingly, the actions taken by DHS in this regard are **REVERSED** and it is ordered that DHS:

- (1) re-register Claimant's application dated September 29, 2011;
- (2) evaluate Claimant's eligibility for MA benefits subject to the finding that Claimant was a disabled individual as of September 2011;
- (3) initiate a supplement for any benefits not received as a result of the improper denial; and
- (4) schedule a review of benefits for no less than one year from the date of this administrative decision, if Claimant is found eligible to receive MA benefits.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 22, 2013

Date Mailed: August 23, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

201341804/CG

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/aca

cc:

